

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD D. PICKENS,)	No. C 05-02130 JF (PR)
)	
Petitioner,)	ORDER GRANTING MOTION FOR
)	EXTENSION OF TIME TO FILE
vs.)	APPLICATION FOR CERTIFICATE OF
)	APPEALABILITY
BEN CURRY, Warden,)	
)	
Respondent.)	(Docket No. 47)
)	

On April 25, 2008, the Court denied this pro se petition for a writ of habeas corpus on the merits and entered judgment in favor of Respondent. On May 13, 2008, Petitioner filed a motion for an extension of time to file a motion for a certificate of appealability (Docket No. 47). In his motion, petitioner explains that his access to legal material and ability to do legal research have been hampered due to makeshift library conditions and frequent lockdowns. Petitioner requests an additional thirty days to file his motion for a certificate for appealability. (Pickens Decl. in Supp. of Mot. at 1-2)(Docket No. 47).

Federal Rule of Appellate Procedure 4(a)(5) allows a motion for an extension of time if the party requests it within thirty days of the expiration of the time to file the notice and shows excusable neglect or good cause. See Fed. R. App. P. 4(a)(5). The extension must be no later than thirty days after the original deadline, or ten days after the

1 entry of the order granting the motion, whichever is later. See id. The Court concludes
2 that Petitioner has shown good cause for such extension. Accordingly, Petitioner's
3 motion for an extension of time to file an application for a certificate of appealability
4 (docket no. 47) is GRANTED.

5 Petitioner shall file an application for a certificate of appealability **no later than**
6 **ten (10) days** after the filing of the instant order granting the motion for an extension of
7 time. Id.

8 IT IS SO ORDERED.

9 DATED: 5/27/08


JEREMY FOGEL
United States District Judge